

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEVIE YATES, a minor child by his Guardian)	
ad Litem, STEPHANIE YATES, et al.,)	
)	3:07-cv-00200-LRH-RJJ
Plaintiffs,)	
)	<u>MINUTE ORDER</u>
vs.)	
)	March 31, 2008
WASHOE COUNTY SCHOOL DISTRICT,)	
)	
Defendant.)	
)	
<u>AND RELATED CROSS-ACTION.</u>)	

PRESENT: THE HONORABLE LARRY R. HICKS, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: ROSEMARIE MILLER REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is Plaintiffs' Opening Brief on Appeal (#32), Defendant Washoe County School District's (hereafter "WCSD") Motion to Extend Briefing Schedule (#33), Plaintiffs' response to motion (#35), Plaintiffs' Second Motion to Dismiss Cross-Appeal and Counterclaim (#36), WCSD's reply in support of its motion to extend time (#37), WCSD's response to Second Motion to Dismiss Cross-Appeal and Counterclaim (#38), Plaintiffs' Reply to Opposition to Motion to Dismiss (#39), WCSD's Answering Brief on Appeal (#40), Plaintiffs' Motion to Extend Briefing Schedule and Page Limitation Pending Related Motions Before the Court (#42), and WCSD's Response to Motion to Extend Brief Schedule and Page Limitation (#43).

There is little question that there was a misunderstanding between counsel concerning the filing of each party's initial brief in this action. Such a misunderstanding is not grounds to dismiss a cross-appeal and counterclaim under circumstances where no prejudice has been demonstrated between the parties. The court is disappointed that this misunderstanding has led to the foregoing slew of motions, virtually all of which should normally be resolved by agreement between the parties with appropriate stipulations where necessary. Plaintiffs' motion to dismiss for lack of prosecution (#36) is denied.

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The motions concerning times to respond (#33) and (#42) are granted in part and denied in part as follows:

Plaintiffs' reply to the least restrictive environment and mainstreaming issue opposed by WCSD in its answering brief (#40) shall be due on or before April 15, 2008, and shall not exceed twenty (20) pages excluding exhibits.

Plaintiffs' responsive brief to WCSD's cross-appeal and counterclaim shall be filed on or before April 30, 2008, and shall not exceed thirty (30) pages excluding exhibits. WCSD shall have fifteen (15) days to reply to Plaintiffs' response and its brief shall not exceed twenty (20) pages excluding exhibits.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk